



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes O, MNSD

Introduction

This hearing dealt with an application by the tenant for other. The tenant participated in the conference call hearing but the landlord did not. The tenant presented evidence that the landlord was served with the application for dispute resolution and notice of hearing by registered mail. I found that the landlord had been properly served with notice of the tenant's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

Is the tenant entitled to any of the above under the Act.

Summary of Background and Evidence

The tenant testified that the tenancy was to end on October 31, 2010 and that she vacated the rental unit on October 7, 2010. The tenant stated that the landlord claimed to have returned the security deposit by mail on November 15, 2010 but that it got lost resulting in the landlord having to cancel the first cheque and send a new cheque.

The tenant stated that it was only after repeated requests for return of the security deposit that on November 26, 2010 the landlord finally sent it to the tenant by registered mail which is outside the 15 days as required by the Act. The tenant stated that the lost mail never did get delivered to her and that when asked for the tracking number for the second cheque, the landlord claimed that he had no tracking number.

The tenant testified that she had sent the landlord the documents for this hearing by registered mail but that the mail was returned to her as it was unclaimed by the landlord.

The tenant in this application is requesting compensation in the amount of \$800.00 for return of double the security deposit.

Analysis

Based on the undisputed documentary evidence and testimony of the tenant, I find that the tenant per Section 38 (1) (a), (b), (c) and (6) (b) of the *Act*, is entitled to return of double the security deposit as the landlord did not return the security deposit within the 15 day timeline as required.

I find that the tenant has established a claim for \$800.00 in return of double the security deposit.

Conclusion

I find that the tenant has established a monetary claim for **\$800.00**.

A monetary order in the amount of **\$800.00** has been issued to the tenant and a copy of it must be served on the landlord. If the amount is not paid by the landlord, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: April 11, 2010

Residential Tenancy Branch